


UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

FILED

JUN 28 2018

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY

JAY B. Vineyard 2172501  
Plaintiff

v.

University Health Systems (UHS)  
BRYAN ALSIP, CMO, UHS  
Karen McMurray, Legal Staff, UHS  
KASSANDRA Johnston, Med. Records Liason  
Jessica Yao, UHS Corr. Care CMO  
Olga Ali, UHS Nurse  
Sandra Wright, UHS Nurse  
Howard Huber, UHS Nurse  
C.O. Aldana, Infirmary, (BCADC)  
Corporal Leija, Grievance Coord.  
Deputy J. Garcia (1754) BCSD  
BCADC TRANSPORT OFFICER JOHN DOE #1  
Javier Salazar, Bexar Co. Sheriff  
Linda Garcia, Law Library Coord. BCADC  
David L. Callender, CEO UTMB John Sealy Hospital  
Mark Foster, MD - UTMB, John Sealy Hospital  
Marcos Gurnez RA. UTMB, Lopez State Jail  
Rebecca De La Cruz, Sr Practice Mgr. UTMB Lopez State Jail  
J.R. Clegg, RA. UTMB, Garza West

SA 18CA0328 F  
MJ-HJ

All Persons are Sued in Individual & Official Capacities...

1<sup>st</sup> AMENDED COMPLAINT WITH JURY DEMAND

APPOINTED COUNSEL REQUESTED

ABBREVIATIONS USED HEREIN

BCSO - Bexar County Sheriffs Officer  
 BCADC - Bexar Co. Adult Detention Ctr.  
 C.O. - Correctional Officer  
 SAMC - San Antonio Medical Center  
 Ortho - Orthopedic  
 MRI - Magnetic Resonance Imaging  
 Cpl - Corporal  
 TPC - Texas Penal Code  
 TCCPr - Texas Code of Criminal Procedure  
 LEO - Law Enforcement Officer  
 CEO - Chief Executive Officer  
 CMO - Chief Medical Officer  
 UTMB - Univ. of Texas Med. Branch

TDCT - Texas Dept. Criminal Justice  
 I-60 - Inmate Request Form  
 I-127 - Grievance Paperwork  
 SCR - Sick Call Request  
 PA - Physician's Assistant  
 NP - Nurse Practitioner  
 UHS - University Health Systems  
 UTMB - University of Texas Med. Branch  
 BAMC - Brooks Army Medical Ctr.  
 CHC - Correctional Health Care  
 Sgt - Sergeant  
 Coord. - Coordinator  
 ADS - Assistive Disability Services

PRO-SE SUBMISSION

The United States Supreme Court has opined that a Pro Se Complaint, however inartfully pleaded, must be held to a less stringent standard than formal pleadings drafted by lawyers and should be dismissed only for failure to state a claim, if it appears beyond a reasonable doubt, that the plaintiff can prove no set of facts in support of his claim, which would entitle him to relief. Estelle vs. Gamble 97 S.Ct 285 and by quoting Conley v Gibson 78 S.Ct. 99. In another Supreme Court holding, the High Court further simplified it for the Lower Courts in the opinion that "a handwritten 'pro-se' complaint" is to be liberally construed. See Haines v Kerner 92 S.Ct 594. I submit I am housed at a TDCT Facility with a Skeleton Law Library, No Federal Books in Holding, allow 3 Cases via Computer daily, (No More!). Yet I have repeatedly ask for transfers (4) and been duly arbitrarily/capricious denied again today (June 21, 2018), on such administrative Appeal.

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### EXHAUSTION OF REMEDIES

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As an Arrestee, Pre-trial Detainee and eventual convicted felon, I have raised all manners of In-House Grievances on all issues herein addressed and copies are available upon court's request due to page limitation(s).

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### QUALIFIED INDIVIDUAL STATUS

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Be it Known to This Court, and recorded Into the Court's Record, that I am a Qualified Individual. More importantly, is the fact that such notations appear in the SAMC Medical Records, (along w/ a DNR), as well as UHS Records, and each and every person named herein this suit (w/ exception of Johnston, Alsip, and Salazar), has been made aware of the fact up close, in person, as related to them personally at each initial consultation. Therefore my blanket allegation charge that's acts done by Medical Staff, and their response to get me proper medical treatments/prescriptions is done (was done) w/ that personal firsthand knowledge.

I submit that I am disabled as deemed to be so via the Texas Dept. of Assistive Rehabilitation Services (DARS), as well as Social Security Administration. A fact I also represented to R.L. Clegg, PA. UTMB Intake @ Ganga Unit on 17 January 2018, and before that BCADC on 7<sup>th</sup>/8<sup>th</sup> of August 2017.

As such I am protected by both the Constitution of Texas and these United States, but also by Federal Statutes as found at 42 USC § 12101 et seq. and Section 504 of Rehabilitation Act as may be found at 29 U.S.C. § 794.

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CONTINUING DENIAL TO ACCESS TO COURTS / LAW LIBRARY

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The original filing deals w/ the Denial of Access to Courts / Law Library in Bexar County Jail. However, that Denial has now effectively been carried over and continued at the Jopany Unit of the TDCJ.

From the intake at Ganga, to Jopany, the Authority as set forth by TDCJ own promulgated rules are NOT enforced. Hence I immediately MOVE THE COURT to ORDER TDCJ to transfer me to a unit w/ a full Law Library as outlined in Offender HANDBOOK, as well as B.P. 3.81.

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**SUBJECT:** RULES GOVERNING OFFENDER ACCESS TO THE COURTS, COUNSEL, AND PUBLIC OFFICIALS

**AUTHORITY:** 28 U.S.C. § 1746; Tex. Civ. Prac. & Rem. Code § 132.001; Tex. Gov't Code §§ 492.001, 492.013(a), 493.001, 494.001, 494.002(a), 499.102(a)(12); Vienna Convention on Consular Relations and Optional Protocols, art. 36, Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261; *Lewis v. Casey*, 518 U.S. 343 (1996); BP-02.08, "Statement of Internal Controls"

Reference: *Access to Courts Procedures Manual*

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

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These promulgated rules state 1<sup>st</sup> that There may be no work of a Legal nature done in the dayroom. Hence, I am denied a table at which to sit and prepare papers, documents or pleadings for the Court. I am housed in an "open dorm" w/ 50 men - 6 table w/ 24 seats. The bunks do NOT have desk attachments as those bunks in Cubicles type housing.

Moreover while the BP 3.81 / Ch.4 sect III, Ad of Handbook state unequivocally that the Law Library houses: (when Lopez does NOT),

- |   |                           |
|---|---------------------------|
| a. Federal Reporter 2d                        | b. Federal Reporter 3d.   |
| c. Federal Supplement                         | d. Federal Supplement 2d. |
| e. Supreme Court Reporter. (very few Volumes) |                           |

And the rules go on at FF (Chapter 4 Sect III 1.A.1.A. FF to state that each library has 20-25 years of the aforementioned on hand is WRONG! We are allowed 3 cases daily on computer, or 3 Shepard's Citations, not both. Hence we have virtually NO Access for a federal case such as the one in hand

Thus Harm is inflicted upon me and perpetuated by NON-Enforcement on the Loring Unit. Moreover, 4 requests for Transfer for Legal reasons have been arbitrarily Denied by Bridgett Collins TDCJ Regional and Huntsville Access to Courts.

The Denial of Due Process is Perpetuated by TDCJ!

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#### DENIALS FOR ACCESS TO MEDICAL PERPETUATED

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Additional Parties have been added to the 1<sup>st</sup> Amended Complaint which include, (but are not limited to), members of University of Texas Medical Branch, (UTMB), a subcontractor/contractor of TDCJ for the providence of approximately 145,000 Texas inmates. While TDCJ has limited their liability by entry into such a contract, (thus are not named in suit), the jury is still out on that issue. However, the medical personnel named with UTMB have knowledge of the ADA Qualification, have refused to admit documents in my possession ~~position~~ into record, have acted as "gatekeepers" to disallow records into Inmate files, failure to ascertain medical files as pertinent to my medical, failure to give me access to Specialized Care, failure to allow my consultation w/ Assistive Disability Services for evaluation, failure to Adhere to the proscribed Medical Regimen of treatment as proscribed by Surgeons and Practicing Doctors from SAMC Aug 3-8<sup>th</sup> 2017 before incarceration, in a Show of Deliberate Indifference.

## INTRODUCTION

This is a civil rights action as filed (and now re-filed), by ORDER of the Court for violations which began even before being arrested, led through the course (and even aggravated & cumulated exponentially) of the arrest, both as pretrial detainee, continuing/manifesting throughout the course of the incarceration to present date. It includes daily life and activities of the Bexar Co Adult Detention Center and the Correctional Health Care augmented by University Health Systems, but now, as a direct result of nefarious undertakings of UHS staff (Kassandra Johnston), Medical Record were denied TDCJ-CID for Months, which has caused to enhance or further aggravate the situation of the Knee Surgery. An ordered by licensed Surgical Staff at SAMC in August of 2017.

The case before you, Your Honor, is quite simple, Officers, Officials and employees, acting under color of state have systemically failed to do their sworn, and accepted Duties as given them by oath and by contract of employment w/ government entities, including, but not limited to property theft, loss, failure to provide medical care, housing of adequacy, access to courts, religious programming and discrimination of a qualified person under Americans w/ Disabilities Act, in the BCADC. UHS, for failure to provide access to Specialized Medical treatment, and failure to allow redress for medical grievances. Although the failure to transcribe and deliver medical records to the "Sister Society of University of Texas Medical Branch (UTMB) with in the confines of TDCJ-CID has served to frustrate, perpetuate the problem and has ended up getting them sued as well.

The case revolves around a single Supreme Court holding of Estelle v. Gamble 97 S.Ct 285, invoking deliberate indifference on the entirety of officials named in suit, which rises to levels of an 8<sup>th</sup> Amendment violation among other things, by prison guards in the intentional denying or delaying access to medical care or intentionally interfering with the treatment once proscribed.



## JURISDICTION

The Court has jurisdiction over this claim of violation of Constitutional and Federal Statutes/Rights pursuant to 42 USC § 1983, 1985, 1331(1), 1343.

This Court has supplemental jurisdiction over plaintiff state law torts under 28 USC § 1367, as well as 42 USC § 12101 and 29 USC § 794 for the Title II violations of discrimination of a person, (qualified individual w/ disability).

## PARTIES

Plaintiff: Jay B. Vineyard 2172501, a Texas native, who was, for all practical purposes, taken into custody in the ER/ICU of the San Antonio Medical Center (SAMC), and then "without full express consent of Medical Staff" removed forcibly therefrom and taken to BCADC. After 72-96 hours, he was finally given admittance to Infirmary, until Oct 26<sup>th</sup> when he was made to walk on broken leg to "LA" medical pod by Guards & Medical Staff in direct violation of a Regimen of Medical Treatment that was already proscribed by Lawful, Licensed practicing Orthopedic Surgeons.

Defendant #1 Correctional Health Care System a.k.a. Bexar Co. Hospital ~~d/b/a~~ University Health Services 4502-4510 Medical Dr. San Antonio Tx 78229

Violation(s) of or regarding to failure to render care (discriminate) against a handicapped person, to include: Failure to hire, train, maintain and supervise a competent, licensed medical staff. Failure to maintain oversight and implementation of policy, procedure and medical care of arrestees, pre-trial detainees and/or inmates at BCADC. Failure to provide meaningful access to specialty care staff and/or technology <sup>for</sup> herein such use by Licensed Specialists. Use of Obsolete/faulty equipment in the Infirmary & BCADC. Failure to provide a standard of care above deliberate indifference. Failure to strictly ADHERE to already Proscribed Regimens of Treatment from Licensed Practicing Doctors.

Defendant #2 BRYAN ALSIP Chief Medical Officer - UHS and served at 4502-4510 Medical Drive, San Antonio, Texas 78229

His Acts or Omissions which caused you harm: As the Chief Medical Officer of this Entity, he has dual knowledge & responsibility. He is much like a "sheriff" of a city. He must know the policy, procedure, has a working knowledge here of and how it should be applied to patients (to include inmates) on a case by case basis. He had to have information on both the Knee/Elbow from the letters, as well as from the Sect 1551 Grievance. I am sure that he spoke often w/ Jessica Yao, and had intimate knowledge of the infirmity requests/needs for surgical operations (most esp. elbow).

Defendant #3 Karen McMurray - Legal Services UHS Main Facility 4502 Medical Drive, San Antonio Texas 78229

Acts/Omissions which caused you harm: Failure to maintain proper oversight policy & procedure with regard to the Sect 1551 grievance system and informal resolution avenues in the Legal Services Dept. Failure to notify proper people as to patient needs addressed in grievance & informal resolution. Knowing of the disability, (from letter), she offered absolutely NO recourse as she penned the "immunity w/ impunity letter" of response. Her deliberate indifference to the needs of an ADA qualified patient set the cause for the complaint in hand. After you go to the highest grievance authority (Legal Services), only to get kicked in the teeth, you file a lawsuit.

Defendant #4 Jessica Yao - Physicians Assistant UHS Correctional Health Care "CMO" at BCADC, 200 N. Comal, San Antonio Tx 78207

Acts/Omissions that caused you harm: As CHCS "CMO", she had intimate knowledge of all aspects of the case to include the diagnosis, regimen of treatment already in place prior to arrest by Licensed Doctors



of both UHS/SAMC, was always in complete control of the data, (to include the scheduled operations in UHS/SAMC, reviewed the prescribed medications of doctors (then changed/abrogated them), and generally was the overall individual of authority which either issued the "change orders", or idly sat by and watched as the CHCS/UHS Nurses interfered, disregarded, or deliberated changes of said regimen of treatment and open disobeyed Doctor's Orders. I'm speaking of the next three defendants, who all acted, in concert, with deliberation, malice, and forethought, Denied me medical treatment as proscribed by Licensed practicing Orthopedic specialists. She made the decisions.

Defendant #5 Olga Ali Head Nurse, UCHCS @ BCADL Infirmary  
@ 200 N. Comal, San Antonio Texas 78207

Acts/Omissions which caused you Harm - This person presented herself to me as a medical doctor, in the infirmary on or about Aug. 8<sup>th</sup> 2017. She is not! Further, without having run one test, Xray, MRI or CatScan, did circumvent or Arbitrarily DISOBEY ORDERS of Licensed practicing Orthopedic Specialists from UHS (Dr. Anil Dutta) and the Team from SAMC who both had proscribed treatment plans, medications, wound care instructions, and even include the medications themselves, which we Confiscated, Denied & Stolen by this Impostor's ORDERS with Yoo's oversight. SHE arbitrarily/capricious denied me access to Specialized Care, (Orthopedics), and implemented (deliberately indifference), a less efficacious treatment and operated on ~~my~~ <sup>my</sup> elbow which has left me maimed & disfigured and still not right today (6/29/18). She denied me access to scheduled surgery on Aug 10 (SAMC) and UHS Main facility August 21<sup>st</sup>. She finally on Oct 26, 2017 capriciously discharged me from Infirmary, took my wheelchair and made me walk on leg in direct violation of Written Doctor's Orders. She is a menace! This woman should not even be allowed to walk another person's dog, let alone be in charge of 29 ~~from~~ Infirmary patients. She laughed at my ADA qualification upon report..... laughed!

Defendant # 6 Sandra Wright, Nurse, CHCS of UHS @ BCADC  
200 N. Comal Street San Antonio Texas 78207.

Acts/Omissions which caused you harm: Again! Another Nurse introduces themselves as a "Doctor" "Physicians Asst," she took over the cause on Oct 26, from Basement (LA) Medical Pool and ① Proliferated the Denial of Access to Specialized Care, (90 days), ② Knew of/Denied SAMC request to transport for Surgery, ③ Denied to Follow Mandate Regimen of Proscribed Care (surgery) from SAMC Ortho Team, ④ Utilized wrong technology to wrong fully Assess (in direct disobedience of ORDER) the Rt knee (Xray, not MRI), ⑤ "Referred" me to "Bone & Joint Specialist", (another Nurse) ⑥ In abeyance of proscribed medical plan by Licensed Ortho team, sought to inject or supersede ORDER Previously in place thru use of "Specialist" who is not, will never be a practicing physician. She disregarded my ADA qualification and now as a result of her "Playing Doctor" I am in constant pain some 9 months later w/ no knee surgery. She seemed to mean well but impersonating a doctor, and meaning well?... The road to hell is paved w/ good intentions....

Defendant # 7 Howard Huber, Nurse, UCHCS @ UHS in  
BCADC @ 200 N. Comal St. San Antonio Texas 78207

Nurse Huber introduced himself to me as not only a doctor, but a "bone and joint specialist, (I took it to be akin to Orthopedics). He lied to me from the very genesis of our meeting, (as everyone else did), utilizing Xrays, not MRI or CatScan to assess knee damage. He is the one who actually showed me two separate requests SAMC sent for transport of me to SAMC for Surgery. (He said there were 3 in all). Hence he is complicit in conspiracy to Deny Duty/Lawfully proscribed regimen of Treatment. He Actually told me to my face that He Denied the Operation himself, stating too much time had gone by and that it would do no good. He then told me the Ortho Team gave me the "Wrong Knee Brace" and he would get me

another one. He told me to learn to live w/ a limp, (He actually said that), telling me it was too late for an operation as that the ligaments and tendons had knitted back in a wrong fashion by now and surgery would do more harm than good. He actually wants the blame for the Denial of the proscribed Surgery. Oh, he walks with a limp from an accident. Neither is he a Doctor. I need a Doctor!

Defendant #8, Kassandra Johnston, Medical Records Liaison, UHS Main Facility 4502 Medical Drive, San Antonio Texas 78229

Acts/Omissions that have Caused Harm: Jued in Both capacity (s), This woman may have caused more harm than any one could even imagine. She has conspired, (I believe), to obfuscate, eschew, ensconce veil or otherwise hide the SERIOUSNESS of the Denial of Medical care which WAS CRUCIAL IN TIMELY FASHION! She has hidden, ~~eterned~~ cleansed, or purged or otherwise SANITIZED THE MEDICAL Records! Purged & condensed them into a single typewritten page and omitted medications & diagnosis/prognosis and medical procedures and "chronic" care medications I was taking at the UHS. This precluded my receipt of Pain Medication, Blood Pressure Medicines, Antibiotics, etc, which I was actively taking at UHS, and forever has made the "Medicines of Convenience" and subject to the 1000s a year 'Copay'. Moreover, it made the record clean of CHRONIC CARE on the knee and thus, thanks to UHS, Johnston and now the gonads of UTMB - Eleven 11 months have passed w/ NO ONE caring about the operation of (was "supposed" to be) August 10/11! Moreover, her actions have adversely effected by making TOCJ's assessments for housing, unit assignment, special conditions, (button shirt because of the handicap), and has placed me in harms way when I should be housed at a medical facility w/ handicap people of like nature. She has jeopardized my SECURITY! Harm has attached.

Defendant # 9 BCSO. C.O. Aldana Infirmary C.O. at BCADC/UHS  
 Infirmary - 200 N. Comal San Antonio Texas 78207

Acts/Omissions that Caused you Harm: As on repeated occasions (see affidavit), an untrained medic, (a LEO) sought to undermine, negate or circumvent medication and doctor prescribed care needs on both the elbow and the knee. He sought to (and finally succeeded) in getting my wheelchair taken and making me walk on a Broken leg/knee (Oct 26). He Gloats at that Day! - He currently interfered with nurses in their wound care and medically mandated prescriptions and care (the chair & the brace), He would do the Vitals and pass out medications in an effort to "hurry things along" so he could go back to "relaxing". He cause me pain, inflicted unnecessary/wanton pain

Defendant # 10 BCADC Corporal Leija (#4167) BCADC Grievance Officer  
 @ BCADC 200 N. Comal, San Antonio Texas 78207

Acts that Caused you Harm: As an oversight officer capable of investigating and "signing off" on my grievances, I submit that he failed to investigate and "rubber stamped" findings from the confines of his officer chair. He failed to time answer the grievances within the promulgated time frame as given in inmate handbook, and thus is guilty for the perpetuation of the Systemic Failure that goes unchecked daily in the BCADC. He has a duty to investigate wrong doing! He ~~does~~ it does not do his job. I left here w/ at least 10 unanswered grievances which were well over the time expiration deadline. Harm is done as safety & due process & property violations (all cited in this cause) go unchecked!

Defendant # 11 BCSO J. Garcia (#1754) Patrol duty BCADC 200  
 N. Comal San Antonio Texas 78207

Omissions/Acts that Caused you Harm: This arresting officer is a thief!, and a liar! who, in retaliation for me telling/

DEMANDING that he address me in English, deprived me of 180<sup>00</sup> cash in my wallet, and in BAD FAITH improperly stored my wallet in evidence room (rather than property), where it was not inventoried in an effort to Mask or Hide the theft of cash and a debit card (new 5000<sup>00</sup> taken from account), until, January 2018. It took months for BCSO Grievance Officers to find the wallet. And even then they refused to inventory the wallet and give me an account. Grievance never addressed the theft and Bexar Co would not take my complaint for the theft! Bullshit!

Defendant # 12 BCSO John Doe # 1 (Badge# \_\_\_\_\_) Transportation Officer  
BCADC, 200 N. Comal, San Antonio Texas 78207

Acts/Omissions which caused me Harm: This is the Officer, who, in violation of doctor's request, (told of Operation schedule) forcibly removed me from a Hospital and made me walk on a Broken Knee in direct violation of Dr's. ORDERS, 30 minutes after I am released from Intensive Care Unit (ICU) Then, as I was not moving fast enough to suit him, (30 minutes out of ICU), he calls me "C Pussy." "This man is a Menace to Society!"

Defendant # 13 Linda Garza, Law Library Co-ordinator -  
5<sup>th</sup> Floor BCADC 200 North Comal St., San Antonio Texas, 78207

Acts/Omissions which Cause you Harm: Failure to have on hand / allow access to Federal 2254, 1983, I & B Forms or other Federal Documents for pre-/post conviction relief. Failure to allow Notary Services and/or allow a meaningful access to Law Library (I have weekly at best). Failure to maintain or ascertain upon request addresses for out-of-state courts for contacts, pleading, interstate compact etc.; failure to even give local attorney addresses to inmates for use in trying to hire counsel. Allow no access to BCADC Policy procedure to seek grievance/redress with regard to Medical care. Would not allow copies of work to be made - No Copies!!!! - of Legal documents.



Moreover, for safety violation(s) in the 4 basement Medical pods, including, but not limited to, the complete absence of a fire Sprinkler system, constant puddles of water throughout halls of access and inclement (57°-59°) temperatures 24 hours a day, 7 days a week 365 days a year,

and, for the systemic failure which has resulted in causing me personally to bear wanton and intentional infliction of pain each and every time I take a step / apply pressure on my Right knee/leg. The attorney general for the state of Texas has even opined that a "Sheriff is a County's final policy maker by virtue of the office for which he has been elected" and his dismal application of policies w/ regard to Implementation of Medical care in my case, notwithstanding the further denials of access to Courts, grievance redress or even acknowledgement of three (3) typed letters and other handwritten missives/grievances went unacknowledged, and his failure to produce me via transportation to a medically mandated Orthopedic surgery has forever caused me harm. He has failed to augment, implement or supply technological equipment or access thereto such equipment in order to make rational medical decisions with regard to case and treatment, and he has failed to hire, train and supervise employees or implement proper policy with regard to a paucity of events which include Patient/Property violations, removal (illegally) from a secure hospital facility, the failure to monitor access to courts as well as the right to a proper grievance protocol/process w/ absolutely NO MEDICAL GRIEVANCE OVERSIGHT is only indicative of "The tip of the Iceberg" for the systemic failure which affects me personally as a member of a group of 5,000 pre-trial detainees who are in harm's way on a daily basis in absence of Leadership.



Defendant #14 JAVIER Salazar, Sheriff, Bexar Co. BCADC @ 200 N. Comal - San Antonio Texas 78207, acting as the ultimate policy maker of Bexar Co Sheriff's Dept, to include BCADC/UHCC. Acts/Omissions that Caused you Harm: Sued in both capacity (s) -

Acts/Omission(s) which caused you harm: Suit filed in the Official and Individual capacity, as a County --- BCADC houses the UHS Detention Unit, provides security and Transportation for Medical facility inmate needs and the aforementioned are named for failure to exercise, provide or maintain training of medical staff/correctional officers assigned to medical Detention Unit and failure to exercise power/ delegate authority, policy, procedures necessary to insure detainees access to specialized care and medical care as mandated "in house," but also particularly in /with regard to implementation of medical mandated regimen(s) of care given detainees before incarceration, and their "systemic failure" to permit detainees to continue legally and medically accepted treatment/medications prescribed but also failure to allow: ① Access to Court to address unconstitutional conditions of confinement, ② Grievance department with the ability to rise to a level of investigation/redress necessary to resolve medical/staff issues, ③ Augment technological <sup>equip</sup> used in use/assessment of medical treatment (MRI not Xray) or allow the express + timely access to specialized technology for medical decision making, and, ④ Establish Maintain a Medical/Security Liaison Dept" to form congruency and cohesion between the two departments to insure proper transportation, scheduling, etc for special care access for patients, ⑤ to formulate an "In house" Medical Grievance division to address Medical issues. BCADC is currently experiencing systemic failure and shutdown which caused my continued maintain a safe, temperature controlled environment at Jail.

Defendant # 15 DAVID L. Callender UTMB Galveston, John Sealy Hospital @ 1304 Market Street, Galveston Texas 77550

Acts/Omissions that Caused you Harm: Failure to train, oversee, supervise the implementation of true and humane policy, procedure and care of convicted felons rather than treating them as unwashed rabid scavengers. Failure to oversee the Medical Staff in use of ice testing and use of technology (to include an MRI), and to give each patient a true & availing medical assessment of the injuries, rather than seeking less efficacious regimens of treatment. Failure to have record staff ascertain and keep the files from other requested pertinent reported facility (s) (as given to unit doctors or P.A.'s) for assisting in proper assessment. Failure to provide/follow a proscribed, already proscribed regimen of treatment 11 months later (+).

Defendant # 16  
Mark Foster, Orthopedic Specialist - UTMB Galveston, John Sealy Hospital @ 1304 Market St., Galveston Texas 77550

Acts/Omissions that cause you harm: Failure to actually implement policy and procedure to properly assess knee damage, failure to get/ascertain records (SAMC) which would assist in prognosis, failure to spend more than 30 seconds in physical (actual) examination of the injury before making snide remarks against the patient's character and the existence of corroborative evidence of the actual serious medical need of the patient. Failure to follow up w/ proper technology right then while the patient is in the building after a 4 day trip on multiple buses w/ no shower & only water/sandwiches to eat. Failure to schedule a timely follow up or to then ascertain records needed for proper treatment assessment. (MR)

Defendant # 17

Marcos Gomez, UTMB - P.A. @ the Jopery Unit. Medical Contractor.  
1203 El Cibolo Rd, Edinburg Texas 78542.

Acts/Omission which you claim caused Harm: Upon my arrival to the Lopez Unit, I advised him @ 1<sup>st</sup> Consultation of Gargalunits failure to Properly Document HANDICAP, Existing Problems and Medication. (He chuckled!) I advised him I had No Eye Exam, No Hearing Exam, No Notation of ADA status, No Chronic Care Investigation, and No Inquiry into the Knee and the confiscated Brace, as well as proscribed need/determination of a regimen of treatment stated at SAMC. He has perpetuated the Denial of a regimen of proscribed medications for pain, as well as the Orthopedic Surgery. He refused to look at the Hple in my elbow (still not healed from UHS), and has Not actively sought to gain Access to the SAMC records. Moreover, he will not open previous files for Chronic care previously given by TDC so I walk daily on a popping knee, (In major pain) and w/o medication(s) or records. He refuse my request to see Assistive Disability Services, who would/could confirm the ADA qualification and refuse records in my possession for verification. Harm attaches as I have no glasses, no pain meds, no Records of proof and refused Emergency Dental Care when I needed it because No records.

Defendant # 18

Rebecca De La Cruz UTMB Senior Practice Manager, Lopez Unit  
TDCJ-CID @ 1203 El Cibolo Road, Edinburg Tx 78542

Acts/commissions which have caused Harm: This records administrator has failed in my repeated attempts to Request Receive the Medical records from SAMC. I do not even know if she is requesting them as they are Point or Origin for the Denial to Medical Care. She acts as a gatekeeper for UTMB tasked solely w/ identifying and extracting Illegal Copays (violating of Supreme Court Holdings), from each individual/each trip to Medical and refuses to access # 1027912/1395599 TDC #s which show the need for Medical Chronic Care. She has to date (6/25/18) completely denied me access to Med. records.

Defendant #19 UTMB P.A J.R. Clegg, Garza Intake Unit  
TDCT - Contract Employee UTMB 4250 Hwy 202 Beeville Tx 78102-898

Acts/Omissions claimed to have caused Harm: (1) He falsified State Documents to wit: Entrance Medical Examination Records on Jan 18, 2017  
 (2) He lied / gave knowingly false Statements to Grievance Review Officer <sup>in</sup> and w/ regards to Actions of January 18, 2017 ~~in~~ Step 1 Grievance. Thus he is in violation of Chapter 39 of Texas Penal Code, Article 37.09 and 37.10 of Texas Penal Code(s). Moreover, he failed to follow, adhere to the strict policy & procedure w/ regard to recording extraneous medical data from an incoming patient (namely me, but most likely to include every interview) and is 1st & foremost charged w/ the Denial of following a Previously Prescribed & Lawfully Mandated Regimen of treatment from the Orthopedic Team of SAMC to include denial of medications for pain, and the Surgery of the Rt Knee. (3) He again breached the Penal Codes, Articles 37.09, 37.10 and Chapter 39 in his Denial to Record my ADA claim and (4) Perjured himself again to Grievance Investigation when asked in Step 1 grievance Process.

I charge this man w/ conspiracy against me, as he spoke at length, (30 minutes plus) about my left arm, the disability, my back injury of 86, Chronic Care, The Wreck of Aug 3 and the requested Surgery negated by UHS. By his Order, I even went to get the Knee Brace (on Jan 18) showed it to him personally, and He is the P.A. Who Ordered Denial/ Confiscation papers - Ordered Sgt. to Confiscate and offered nothing in Return. All other lies were recorded (Failed to be recorded on Jan 23 (Jan 22 rain, no one showed up), where he not only Denied ADA status but denied request for ADS Consultation. Granted UHS Johnston, sent no records, but he had no trouble lying about the interview, Denials and falsifying State Documents that interfere, frustrate or otherwise prolong my quest for Proper Medical Care!

STATE OF TEXAS

COUNTY OF HIDALGO

For the Western District Courts

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 UPDATED AFFIDAVIT OF THE EVENTS
 

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Honorable Justices,

Be it Known, I, the undersigned Affiant have constructed this as a true correct and complete instrument for use in the US District Courts and sworn under oath of Affirmation and penalty of perjury under 28 USC § 1746.....

"My name is JAY B. Vineyard #2172501 @ TDC and #45498 @ Bexar County Adult Detention Center (BCADC) where all the beginning occurred in relation to this cause. I am of sound mind and body and am able to construct/submit the document in hand.

I further submit as I was at BCADC, I am denied a meaningful access to court by policy, by lack of material, legal materials and have been denied 4 separate request for transfer. I move the Court Order such right now... I have been denied 2 requests for transfer from the Honorable Courts. (you Court).

So, to begin anew. On Aug 3, at about 900 p.m. (after having been at UHS offices & scheduling one surgery), I rolled my pickup. Police (BCSO) responded, sending a Spanish Speaking officer to assist.

I was transported, (unarrested), by way of EMS ambulance to San Antonio Medical Center, [REDACTED] (SAMC/BAMC), at 3551 Roger Brooks Drive, Fort Sam Houston Texas 78234 where treatment begins..

I was admitted to Emergency Room (ER), and then ICU, where the BCSO arrested me, (during treatment, with trachea tube in place) and 'cuffed' me to the gurney, thus began to "interfere" w/ regimen of treatment for Head Trauma, facial lacerations, abrasions, a broken rt knee, torn cartilage/tendons, leg/stomach lacerations and a possible concussion. The Shackle interfered w/ care more than once. Ch, and Spinal Injury(s).



Due to an open container found in my Truck, I was subject to arrest (charges were dropped), In a hospital, ER/ICU w/ a trachea tube in my body, with massive head trauma and broken leg, CUTTED to a bed I am:

- A.) In a Secure facility
- B.) On a Protected Secure Army Base
- C.) Prohibited from Public
- d.) Camera Everywhere
- e.) all doors self locking
- f.) Can't walk physically impossible
- g.) Trachea Tube in my body

Yet, Arresting officer Garcia (1754) shackles me to a bed interfering w/ treatment. I say Excessive Force.

During my stay in ICU, the Orthopedic Team Comes (w/ Cop listening) and they tell me:

- 1.) I have a fractured tibia plateau
- 2.) Ligaments (ACL/PCL) damaged
- 3.) Need immediate surgery
- 4.) Surgery scheduled for Wednesday 8/8/17
- 5.) Put a Brace/Splint (Donjoy®) on the leg
- 6.) Told me
  - A.) Do not walk
  - B.) Do Not Put Weight on it.

(John Doe# Listens to all this...)

I was released from ICU, and within 2 hours little John Doe#1 has made me walk on the leg, put weight on it, Bend it as he immediately and against doctor's wishes forcibly removed me from the Hospital, (We need this video), and when I did not get the job done fast enough to suit him - He called me a "big pussy!" (Verbatim) He placed me in a holding cell, w/o medication for 72 hours.

During said intake, I was told Garcia (\*1754), had turned in NO MONEY - NO WALLET - NO PROPERTY (to include 200<sup>00</sup> pair of Redwing Work Boots. 180<sup>00</sup> in cash missing w/ debit cards. I have never seen my wallet (Garcia took it!) again. I started immediate Grievance Procedure to No Avail.



Earlier in the day 800 am - 12 pm, I was at UHS scheduling an arm surgery for the 21st of August before the truck accident. I waited an additional 2 months for that surgery due to deliberate indifference. The only reason I got it is because it was UHS

So after about 72 hours w/o water, medication, food, and w/ no one checking on my concussion, I am moved, thru 1 door and approx. 100 linear feet to the BCADC University Health Systems, Correctional Health Systems infirmary. This Tuesday Aug 8<sup>th</sup> and then I meet a Nurse, who introduced herself as a Doctor, and Olga Ali is told...

- 1.) About my ADA Status
- 2.) About the Knee Operation 8/9/18
- 3.) About Elbow Surgery 8/21/18
- 4.) About the Confiscated Medicine

She tells me "Your surgery (s) are cancelled due to security concerns. Don't worry - We'll see to it when we are ready."

So, to date, (6/26/18), I still have had no knee surgery. It hurts all the time. If they would have left me at SAMC, my insurance company would have paid for the surgery! They paid everything else, including 8000 for the BRACE TDC/Clegg Confiscated!

Thus, I began the Quest to obtain the prescribed regimen of treatment an orthoscopic knee surgery as prescribed by that Orthopedic team at SAMC. Treatment that was started BEFORE the Arrest! ORDERED BY PROFESSIONAL SURGEONS! I have still not had that Surgery, and been Maimed by Olga Ali before the elbow surgery in direct Violation of Doctor's Dutta's prescribed regimen of Treatment! So by now:

- h.) taken forcibly from SAMC Hospital
- i.) Denied all surgeries
- j.) Denied all medications prescribed
- k.) Meds Confiscated at door.
- l.) Money Stolen / Wallet Stolen / Boots Stolen
- m.) Made to further injure knee by John Doe
- n.) Denied ADA status
- o.) Systemic Abuse Begins here —
- p.) Olga Ali says she is a doctor. (SHE AINT NO DOCTOR)

- L.) In response to my repeated requests/inquiries as to the surgeries, (as well as personal letters to my Doctor Dutta), the right knee was ALWAYS left unaddressed (even though I am in a wheelchair!). "Miss Oldge" repeatedly tried (and coerced staff), to get me to walk on the leg that Orthopedic Surgeons told me NOT to walk on. She tried to get me to accept a walker, a cane, or a pair of crutches. I refused. C.U. Aldana repeatedly intervened in wound care sessions saying "You should be walking on that leg!". He was trying to get me to accede and began walking, thus negating the pain and the wheelchair. Aldana interfered more than 41 times in this. He is a guard.... NOT a DOCTOR!
- M.) Finally in late September of 2017, Miss Olga, in an effort to give me her "less Efficacious regimen of treatment", and after having discussed w/ her numerous times the "Source" of the chronic infection which had to be daily treated/dressed on left elbow, Decided she knew more than a Licensend, Practicing Medical Doctor and MAIMED my left elbow needlessly in her decision to perform her "elective surgery" when she "landed" my arm in three (3) places and in one spot removed an amount of flesh equivalent in shape, size and depth of a medium size marble, leaving an unsutured "crater" in my elbow. All to no avail. The infection continued unabated or effectool.
- N.) Finally, after my 3<sup>rd</sup> personal letter/plea for assistance (wherein telling him of the infliction of needless elective surgery), to Dr Dutta, I was taken to an MRI and scheduled for surgery on or about 13<sup>th</sup> October (records will verify), which removed about 1 foot of titanium wire, and screws out of my arm (the "source" of infection). The wound was then "debrided", packed w/ granular antibiotics and sutured. The infection was only then controlled and abated.

O.) It was during this time I saw P.A. Yao for the 2<sup>nd</sup> time. She inspected the "lancing". Now, as Ms Olga was absent (I am told on vacation), she looked at the wound. I asked her about my knee and she told me "don't worry", "you don't need it." I keep sending SCR's for documentation. Ms Olga comes back to work and I ask about the Knee surgery. She tells me, "we are not going to address that. It was pre-existing" I told her (verbally) "Like Hell! It happened in the accident on Aug 3<sup>rd</sup>. Why do you think I am here?" You could see the cogs lock into place behind her eyes..... then recognition! She had forgotten! So, trying to recover, she tells me "Well, when you go to get your stitches out talk to your doctor (Dutta), about it. Two weeks later, I did, (as she isn't helping), to which Dr Dutta replied, "I have not heard anything about it (the knee), and tells me ① I am an Arm specialist and ② I still have work to do on the arm. ③ Your Nurse (Olga) is supposed to be taking care of that, and ④ I will write a letter for you for the Court, but that Knee is not my department or responsibility."

I could tell he was mad about it. I thanked him and he left. I returned to BCADC and never have seen him again to date. Thanks to Ms Olga.

P.) I return and begin anew in earnest to push for the Knee operation from Yao and Ali! to no avail. After once again asking me about a cane (and my refusal), On Oct 26<sup>th</sup>, she leaves work and ORDERS my wheelchair taken from me, then ORDERS <sup>C.O.</sup> ~~Thomas~~ Aldon'a to take the wheelchair (which he does with great relish w/ malicious comments) and ORDERS my release from the BCADC infirmary. I am FORCED to walk on the

the damaged knee, (Oh how happy spiteful, & vengeful Aldama looks with his remark "See I told you you would walk out of here.").

Now, even though BCADC will not answer them, I start 1557 grievance. (Enter Mc Murry's nasty response).

So I walk down to the tombs, (57°-59°), and thinking that all this time I've been being denied access to Courts, Education, Religious Services (see grievances), maybe now things will get better. No Chance in BCADC. Although I was allowed church access / rehab classes, Access to Courts still nothing.

Now, I meet Doctor Sandra Wright (who is actually a Nurse!), who inspires hope but never does anything other than give me pain meds, Blood pressure medicine and allergy meds... all which are taken at TDC thanks to Johnston's 1 sheet lying report.

Staff logged 4 falls due to my knee but in "LA" they did not log any of them. She doesn't care, doesn't record them. She orders Xrays (don't see tendon damage in Xrays). Orders me to see a "Bone & Joint" specialist, (who turns out to be another nurse.).

I continue grievance process (both BCADC, letters to Sheriff and Dept 1557, with Mc Murry not responding to letters 2-5. She only issued the "Immunity w/ Impunity" statement. Thanksgiving & Halloween come and go w/ no surgery.

Wright tells me I refused Bone/Joint meeting - "That is a lie, I tell her we reschedule, Another Xray before the Jan meeting when I meet Bone & Joint Specialist Huber. (another nurse.). I find out from UHS staff he is ① a Nurse ② Not licensed as a doctor or specialist who ③ Had a knee surgery. I guess in UHS/BCADC this qualifies you to be a Bone-n-Joint Specialist. At Jan meeting he tells me... (all from Xrays!)

A) You have trauma to your knee / AA) They gave you the wrong brace!

B) You have Arthritis (osteo) / BB) Orders a new brace..

C) Your Tendons/Ligaments have wrongly fixed themselves

D) You are NOT Going to see ORTHO - NO SURGERY FOR YOU

What a Moron. Not a Orthopedic Surgeon, working from Xray's - Wow! Jan 8<sup>th</sup> 2018

On Jan 18, 2018, I ship to Ganga where the Brace is Confiscated w/ RJ Cleggs Assistance. Now I am forced to walk w/o Brace, & without cane and without medication for the pain. Clegg starts the lies and deceit for UTMB and the process begins all over again w/ another Texas Political subdivision in Contract w/ TDC who is sworn to cut every possible corner it can to circumvent true Healthcare to inmates and sworn to deduct 100<sup>00</sup> yearly for medication in violation of Supreme Court holdings such as Gamble. Grievances start and he orders 500 mg Naproxone 14 days w/ no pain meds

Kassandra Johnston harmed me in the Denial or purging of the Medical Records and she alone, has probably done more collateral Damage than any of the rest. Information is Power and She killed the Power to my medical claim when she Cleansed / Deleted UTMB Records

Cleggs falsifying records & giving false records about our meetings does not assist either. Those are felony violations of state law by the way. But what they did do was assist the next doctor, to continue the denial of treatment. Clegg ordered 1 Xray (after grievance) about the knee, gave Naproxone but

- 1) Refused ADA Status
- 2) Refused my request for AIDS consultation
- 3) Refused my Dental work
- 4) Refused my eyeglasses all via submission of knowingly false reports. They call me a criminal?!

Next up is P.A. Gorman and Sr Practice Manager DeLa Cruz who from early February have failed to follow the proscribed meds and plan of treatment as given me in Aug 3-7<sup>th</sup> at San Antonio Medical Center. DeLa Cruz refuses to speak civilly to any inmate, let alone help them in any shape form or fashion. Even her responses on I-60's are Hostile! I would submit proof..... But for page limitations of the Court.



De La Cruz, has Denied (over 10 requests) my access to medical records review and told me that "if and when" I do see the LHS records, I will not be allowed Copies. She has refused issue a subsequent request, even though it is in excess of 60 days since the last one. I have a FOIA full record, but she refuses to accept or even view those records or proof of Disability from the Social Security Information. (See 1<sup>st</sup> Complaint)

P.A. Gomez has refused my ADA status, refused my repeated requests to have Assistive Rehabilitative Services Interview on Tuesday. He, (as of June 1), has denied my Naproxone pain meds given/prescribed by Clegg, and will not even talk about the surgery. He chuckles when I mention my Disability. He again denied appeal for pain meds on 6.24.17!! Pain?? Each and Every Step!

On May 1/2, I take a 4 day trip to John Sealy from the Loring Unit and on Thursday that week, I get a look at the John Sealy Hospital where 300 other inmates are all seeing someone about something. I meet w/ an intern, who messes w/ the knee and says Yeah, it's messed up. He goes and gets Doc Mark Foster - who is wound up on Caffeine (or something) who comes in jumps on the bed with me, yelling "Relax!" "Relax!" Well I am tired & wired and scared of this guy so I clench up my muscles in defense, He yanks the knee, jumps up says I'm sure you were hurt but I can't feel anything. All this in 15-30 seconds. Tells me I need Knee Replacement from X-ray! I speak w/ him about SAMC and he yells "Well, I can't just run down to Sam Antone and get your records can I?" (What a jerk!). He orders me back for an MRI - Says it'll be a month. That was 8 weeks ago Monday (tomorrow!). Absolutely no help. This guy is clearly over worked & understaffed. Can I just get an MRI that will tell the story! Get me knee Fixed? That's all I want. I have to work when I go home and I can't like this.



Of additional note since original filing... UHS Records were received on this Unit June 1. I was notified but am still denied Access. No Dental - I was only evaluated after being Denied a Dental Emergency Here - Reason: No Medical Records. No Sight test No hearing test - All Denied by Gomey who said I don't need it.

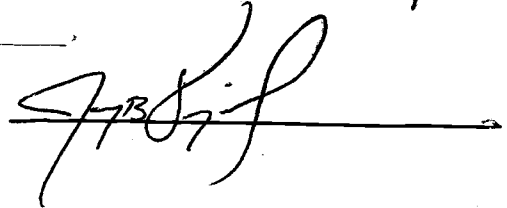
Step 1 & 2 Grievance have been exhausted on Knee & Brace on Clegg

Step 1 & 2 on Gomey / Ramirez are in Process even though the issue are already exhausted.

I submit I have not promised anything, nor have I been promised anything, I have not received anything, nor have I given anything in return for making these statements and I do so of my own free will and act in search of Justice.

Further Affiant Jayeth Not!

Executed By my oath and signature on this the 25 day of June, Year of Our Lord, 2018



STATE OF TEXAS  
COUNTY OF HIDALGO

Notary

On this — day of June 2018, appeared before me one, JAYBRENT VINEYARD, TDCJ —, and recognized by me and who under oath of affirmation declared the above instrument is both true and correct

By Seal of my Office on this the — day of June 2018.

Notary Public - State of Texas

Argument in a Nutshell

Now, or in a concentrated effort, I ask the Court to consider the following aspects of case law, in addition to the Complaint itself. I first submit the arrest, (in hospital), an unnecessary at the time and wholly unprofessional. I was not a serial rapist or Axe Murderer. BCSO handled the arrest in a wrongful fashion based on statements I made, telling a Law Enforcement officer to "Speak English to Me." It snowballed from right there but why is a Texas Law Enforcement officer speaking Spanish to me in the first place?

The facts are these: The wreck, and the need for an ambulance establish serious medical need. Moreover, the need is serious if diagnosed by a physician. Brown v Johnson 387 F.3d 1344. In this case, ER doctors thought it serious enough for, ICU containment, Trachea Tube and admittance to the facility. Johnson v Busbee 953 F.2d 349. There was no need at that time to shackle me to a bed. To do so just began the continual road of the corrections officials, (be it BCSO, BCADC, or UHS, UTMB or TDC officers or "Contract Employees", interference in Medical Care. Under 8<sup>th</sup> Amendment regardless of whether the "indifference" comes from /manifested by prison doctors (UHS, UTMB), in their response to needs or by prison guards, (Aldana), in their response to prisoner needs or in the intentional denying or delay of access to care, or the intentional interference w/ treatment, (SAMC Doctors/Ortho Team), once that it is prescribed. See Estelle v Galt at 97 S.Ct 285. Moreover, 8<sup>th</sup> Amendments elementary principles establish the governments obligation to provide medical care for those whom it is punishing by incarceration. An inmate must rely on prison authorities to treat (and pay) for medical treatment. Most especially where they arrest him, remove him from a hospital and abrogate care/surgical procedure he was willing and able to pay for before arrest. Nor will less efficacious procedures & treatments survive

or suffice after abrogating such a regimen of Lawful Legal Professionally mandate regimen of care is proscribed and under way, or operating rooms reserved. It was not for BCADC or UHS officials to Interfere w/ treatment. See Williams v Vincent 588 F.2d 541; Thomas v Pate 493 F.2d 151, Martinez v Mancusi 443 F.2d 921.

Moreover, States, States Entities, Doctors, or Professional of Medicine may not be entitled to discriminate against persons with a qualification for Disability under 42 USC § 12101, & 29 USC § 794 Crawford v Indiana DOC 115 F.3d 481. See Also U.S. v Georgia 126 S.Ct. 877 and Tennessee v Lane 124 S.Ct 1978. Nor can they deny, or conspire to deny them medical care, specialized care or access thereto.

Additionally, while the Constitution does not mandate comfortable prisons neither does it permit inhumane ones. Farmer v Brennan 114 S.Ct. 1970 Prison, (or jails), must provide humane conditions, they must ensure inmates of adequate food, clothing shelter and medical needs and ensure the safety of inmates. Farmer, Id. See Also Gamble, Id. See Also Gates v Cook 376 F.3d 323. To include Heating & Cabling (Not 59°), Gates Id. See Also Palmer v. Johnson 193 F.3d 346. Access to Dental Care, Board v Farnham 394 F.3d 469. See Also Tillery v Owens 719 F.Supp 1256, also access to Eyecare. See Koehl v Dasheim 85 F.3d. 86. On top of all of it — Bexar County Sheriff, who notified of the Request for Surgery in my case and had a duty to Supply Transportation — See Schoeter v Mahoney 963 F.Supp 216. See Also Curry v Farrelly on Systemic Failures on all of the above at 957 F.Supp 727. Just wait till you request a brief. Boy have I got one

ATC-060 (Rev. 7)  
Attachment 2

NOTICE  
OFFENDER NOTARY PUBLIC SERVICE

Under both Federal law (28 U.S.C § 1746) and State law (V.T.C.A. Civil Practice & Remedies Code, §132.001-132.003), offenders incarcerated in Texas may use an unsworn declaration under penalty of perjury in place of a written declaration, verification, certification, oath, or affidavit sworn before a Notary Public.

In a request for Notary Public service, each offender must explain why an Unsworn Declaration is insufficient before Notary Public service will be provided.

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*An example of an unsworn declaration pursuant to State law is as follows:*

"My name is \_\_\_\_\_ my date of birth is \_\_\_\_\_  
(First) (Middle) (Last)

and my inmate identifying number, is \_\_\_\_\_. I am presently incarcerated in

\_\_\_\_\_ in \_\_\_\_\_  
(Corrections unit name) (City)  
\_\_\_\_\_. I declare under penalty of  
(County) (State) (Zip Code)

perjury that the foregoing is true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_"  
(Offender Signature)

\*\*\*\*\*

*An example of an unsworn declaration pursuant to Federal law is as follows:*

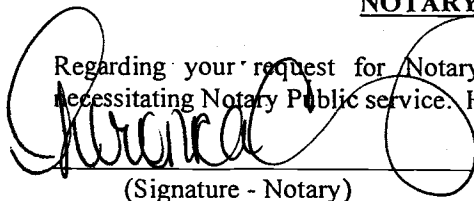
I \_\_\_\_\_ (insert offender name and TDCJ number), being  
presently incarcerated in \_\_\_\_\_ (insert TDCJ unit name), in  
\_\_\_\_\_ County, Texas, declare under penalty of perjury that the foregoing is true  
and correct.

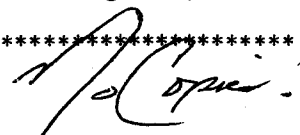
Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_"  
(Offender Signature)

\*\*\*\*\*

NOTICE  
NOTARY PUBLIC SERVICE DENIAL

Regarding your request for Notary Public service, insufficient justification was provided necessitating Notary Public service. However, you may proceed with an Unsworn Declaration.

  
(Signature - Notary)

  
6.25.18  
(Date)

Clerk of Courts  
U.S. Dist. Courts  
San Antonio Texas  
2nd Filing

Re: Filing 2<sup>nd</sup> Complaint  
SA-18-CA-0328 713

Honorable Clerk,

Please find and file the 1<sup>st</sup> Amendment Complaint (2<sup>nd</sup> Complaint)  
in compliance w/ the U.S. Justice (Magistrate's) Order  
of May 2018

I have been Denied Copy(s) and Denied  
Notary Service. I am denied Access to Courts  
and have submitted Proof thereof such denial's.

Thank You. Can You Please send me a copy  
of this filing as I try to meet the (today's) timeline  
on this. Mail/Box Rule 6/25/18

Sincerely  
77387 Ph.D./Th.D.  
Superior Unit

Jay Vinograd 2112501  
Loping Unit  
1203 El Cibolo Rd  
Edinburg Tx 78542

SCREENED BY CSO  
JUN 28 2018


U.S. District Courts  
Western District of Texas

655 Durango Blvd

San Antonio 78206-1106

RECEIVED

JUN 28 2018

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY   
DEPUTY CLERK

